REMARKS

This communication is responsive to the Office Action dated January 21, 2010, and received in this application. Claims 10 – 18 have been cancelled. New claims 19 – 28 have been added. *These amendments introduce no new matter*. Support for these amendments may be found variously throughout the Specification, including, but not limited to page 20, lines 13 – 26 and page 22, line 14 to page 35, line 16.

Claims 1 – 9 and 19 – 28 remain pending in the application. Claims 1 – 9 are rejected as noted below. In light of the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

Claims 1 – 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2005/0206746 to Cazier et al. ("Cazier") in view of U.S. Pat. No. 6,263,217 to Park ("Park"). This rejection is traversed.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); *see also* MPEP 2143.03. The applied references fail to meet this requirement.

Claim 1 recites: *[a]n imaging apparatus having:*

GUI screen image generating means for generating a GUI screen image having graphical user interface means for operating the apparatus and displaying the GUI screen image on image display means;

operating means for operating the GUI screen image displayed on said image display means according to user selections; and

controlling means for controlling the apparatus in accordance with the operation of the GUI screen image by said operating means, characterized by having:

storing means having stored therein hierarchy type main menu information which is capable of setting and operating desired functions by classifying functions settable and operable in said imaging apparatus on the basis of a predetermined category, displaying index information of

the classified functions in stages, and selecting the displayed index information in accordance with a selection made by said user;

menu generating means capable of selecting desired index information among the main menu information in said storing means to generate unique menu information; and

menu editing means capable of editing the unique menu information generated by said menu generating means, and characterized in that:

said controlling means controls said GUI screen image generating means on detection of a predetermined operation by said operating means in accordance with operation by the user, and

said GUI screen image generating means generates the GUI screen image including the index information for operating the menu editing means in said unique menu information, in accordance with the control by said controlling means, to display the GUI screen image on said image display means.

Cazier and Park, either alone or in any permissible combination, fail to disclose or suggest these features. Specifically, Cazier and Park, either alone or in any permissible combination, fail to disclose or suggest "*[a]n imaging apparatus having ... controlling means ... characterized by having:*

storing means having stored therein hierarchy type main menu information which is capable of ... selecting the displayed index information in accordance with a selection made by said user; [and]

menu generating means capable of selecting desired index information among the main menu information in said storing means to generate unique menu information[.]"

Cazier discloses a system or firmware "for prioritizing and displaying menu items or icons 30 on GUI screen 23 of the LCD monitor based upon the frequency of their use by the operator." (Cazier, para. [0019]); *see also* para. [0021] ("[T]he firmware groups icons or menu items based on the frequency of their use by the operator"); para. [0022] ("[I]t is desirable to customize the ordered list of menu items or icons to display menu items or icons that are frequently used by the user first, i.e., on the first GUI screen.")

However, because Cazier discloses prioritization of "the ordered list of menu items," Cazier fails to disclose or suggest both the storage of "main menu information" and the generation of "unique menu information" as recited by claim 1.

Because Cazier fails to disclose or suggest both the storage of "main menu information" and the generation of "unique menu information", Cazier fails to disclose all limitations recited in claim 1.

Park fails to remedy the deficiencies of Cazier. Park discloses "a mobile telephone capable of automatically rebuilding a menu tree." (Park, col. 1, ll. 62 – 64.) However, Park, like Cazier, fails to disclose or suggest "*[a]n imaging apparatus having ... controlling means ... characterized by having:*

storing means having stored therein hierarchy type main menu information which is capable of ... selecting the displayed index information in accordance with a selection made by said user; [and]

menu generating means capable of selecting desired index information among the main menu information in said storing means to generate unique menu information[.]"

Therefore, even the combination of Cazier and Park fails to yield the features of Applicants' claim 1. Thus, a *prima facie* case of obviousness cannot be maintained for claim 1.

If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

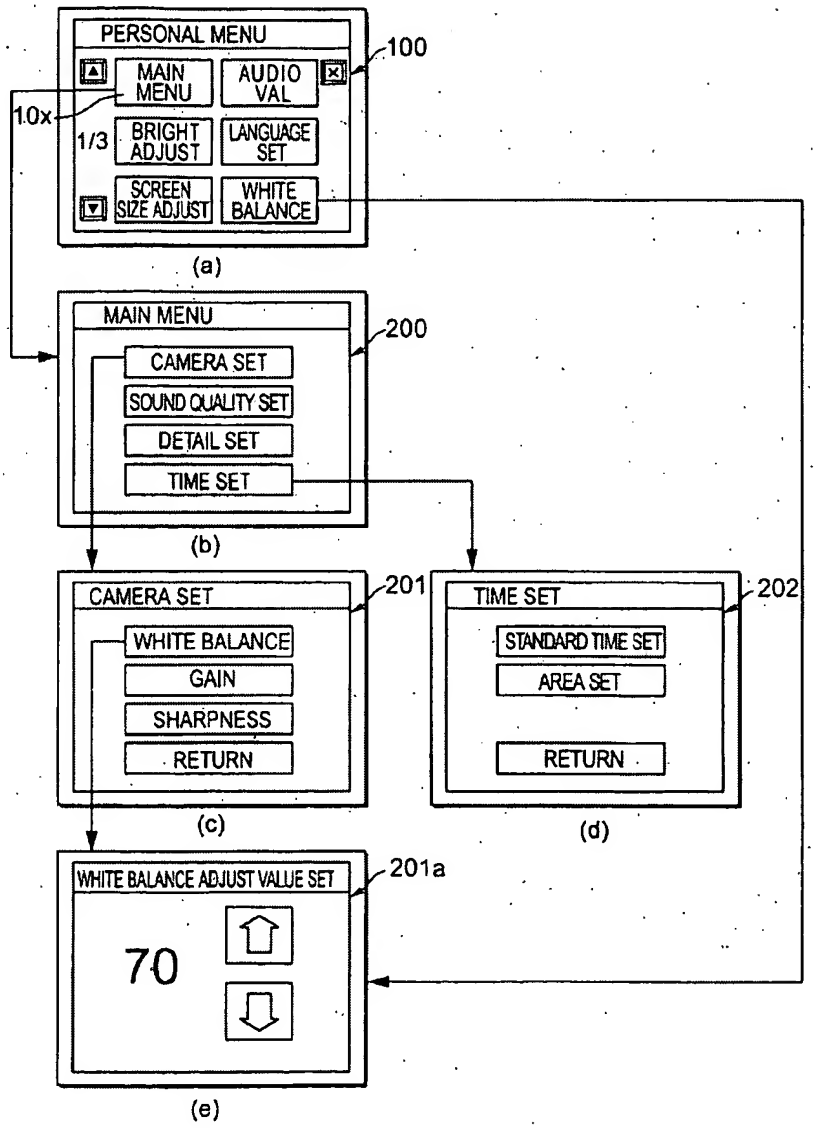
Consequently, claims 2 – 5, which depend from claim 1, are patentable for their incorporation of the distinct features recited in claim 1, as well as their separately recited, patentably distinct features.

Additionally, Cazier and Park, either alone or in any permissible combination fail to disclose the features of claim 3, which recites:

"*said GUI screen image generating means generates a GUI screen image including the index information for operating said main menu information in said unique menu information to display the GUI screen image on said image display means.*"

For aid in understanding, and in no way intended to limit the scope of claim 3, FIG. 12 of the present application is reproduced below.

FIG. 12



In describing FIG. 12, Applicant's Specification states:

The [Personal Menu] is the unique menu information which the user generates by individually selecting frequently used setting items among the setting items for setting the function of the imaging apparatus.

...

> In a case where the [Personal Menu] is selected, the system microcomputer 140 controls the image display device 150 in response to the control signal from the operating section 130 or the GUI section 125, and generates the GUI screen image 100 (refer to FIG. 4) for the [Personal Menu], in accordance with the unique menu information stored in the storing section (memories) and its image data, to display it on the display 120 (ST200->ST201).
>
> For example, as shown in FIG. 12(a), the [Set Item] button group 10 on the GUI screen image 100 is provided with [Set Item] buttons such as [Bright Adjust], [Image Size Adjust], [AUDIOVAL], [Language Set], [White Balance] and the like, as well as a [Main Menu] button 10x to call for [Main Menu] which is default-displayed when the power switch 170 of the imaging apparatus is turned on, and the like.
>
> ...
>
> [I]n a case where the [Main Menu] button 10x is operated, the system microcomputer 140 controls the image display device 150 in response to the control signal from the operating section 130 or the GUI section 125, and generates a GUI screen image 200 of the [Main Menu] to display it on the display 120 (ST204->ST206).

(Specification, p. 31, l. 19 – p. 33, l. 23).

Because Cazier discloses only the prioritization of "the ordered list of menu items," Cazier makes no mention of "*said GUI screen image generating means generates a GUI screen image including the index information for operating said main menu information in said unique menu information to display the GUI screen image on said image display means.*"

Park also fails to disclose this feature and thus fails to remedy the deficiencies of Cazier.

Therefore, not only is claim 3 allowable for it's dependency from claim 1, but even the combination of Cazier and Park fails to yield the features recited by claim 3. Thus, a *prima facie* case of obviousness cannot be maintained for claim 3.

For reasons similar to those given above, Cazier and Park, either alone or in any permissible combination, fail to disclose or suggest the features recited by independent claim 6. Thus, a prima facie case of obviousness has not been made for claim 6.

Claims 7 – 9, which depend from claim 1, are patentable for their incorporation of the distinct features recited in claim 6, as well as their separately recited, patentably distinct features.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 – 9 under 35 U.S.C. § 103(a) as being unpatentable over Cazier in view of Park.

New Claims 19 – 28

New claims 19 – 28 have been added. Independent claim 19 recites: *[a]n imaging apparatus comprising:*

a storing section that stores program instructions to operate predetermined functions of the imaging apparatus, menu information that classifies the functions into categories, and index information corresponding to the functions;

a menu generator configured to generate unique menu information by selecting desired index information from the menu information in accordance with function-selecting input; and

a menu editor configured to edit the unique menu information in accordance with menu-editing input.

The above cited references, either alone or in any permissible combination, fail to disclose or suggest the features recited by new claim 19. Specifically, the cited references, either alone or in any permissible combination, fail to disclose or suggest "*a menu generator configured to generate unique menu information by selecting desired index information from the menu information in accordance with function-selecting input; and*

a menu editor configured to edit the unique menu information in accordance with menu-editing input."

Because the cited references fail to disclose all features recited by claim 19, claim 19 is believed to be in condition for allowance.

New dependent claims 20 – 23, which depend from claim 19, are also believed to be in condition for allowance for their incorporation of the features in the independent claim as well as for their separately recited patentably distinct features.

For reasons similar to those given above, independent claim 24 and dependent claims 25 – 28 which depend therefrom are also believed to be in condition for allowance.

CONCLUSION

In view of the foregoing arguments, all claims are believed to be in condition for allowance. If any further issues remain, the Examiner is invited to telephone the undersigned to resolve them.

This response is believed to be a complete response to the Office Action. However, Applicant reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicant expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 C.F.R. § 1.104(d)(2) and MPEP § 2144.03.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-3006 from which the undersigned is authorized to draw.

Dated: March 16, 2010

Respectfully submitted,

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